

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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2004 JUL -6 P 4: 08

CIVIL ACTION NO. 04-10073-NG

U.S. DISTRICT COURT  
DISTRICT OF MASS.

WILLIAM P. CHERNICOFF,  
Plaintiff

v.

NCO FINANCIAL SYSTEMS, INC.,  
LOVELACE HEALTH SYSTEMS,  
EQUIFAX INFORMATION SERVICES,  
INC., BIRCHWOOD CREDIT  
SERVICES, INC., TRANSUNION  
CORPORATION, and EXPERIAN  
NATIONAL ASSISTANCE CENTER,  
Defendants

**BIRCHWOOD CREDIT SERVICES, INC.'S  
F.R.C.P., RULE 26 INITIAL DISCLOSURES**

Now comes Defendant, Birchwood Credit Services, Inc. ("Birchwood"), and pursuant to Fed. R. Civ. P., Rule 26(a)(1), makes the following initial disclosures:

**A. Individuals likely to have discoverable information:**

At this early stage, Birchwood is not aware of all individuals who may have discoverable, non-privileged knowledge concerning significant factual issues in this case. To date, Birchwood has determined the following individuals have discoverable information:

1. William P. Chernicoff ("Chernicoff" and "Plaintiff"), has knowledge as to the facts he has alleged in the case.
2. Donald A. Cooper and Terri Eldridge, both of Birchwood Credit Services, Inc., P.O. Box 266391, Weston, FL, have knowledge as to the facts Plaintiff has alleged in the case. They also have information regarding the procedures used by Birchwood employees in dealing with owned files and, the meaning of the relevant documents generated by Birchwood in this matter regarding Plaintiff's alleged discrepancies on his credit report. These persons may be contacted through Birchwood's counsel of record.
3. Any expert or fact witness identified by any other party, including but not limited to representatives of any creditors who allegedly denied credit to Plaintiff.

Through discovery, Birchwood may need to supplement its response to this disclosure and reserves the right to do so.

**B. Documents**

Birchwood has the following listed documents in its possession that are relevant to the Plaintiff's allegations in this matter: The documents include the initial notification to Birchwood of Plaintiff's dispute as to his credit report and reveal the actions Birchwood took after being notified.

1. Correspondence from Andrew M. Fischer, Esq. ("Attorney Fischer") to Birchwood stating legal representation of Chernicoff and his reasons for complaint, dated August 21, 2002.
2. Birchwood's Customer Service Message, dated August 30, 2002.
3. Birchwood's Customer Service Message, dated September 9, 2002.
4. Birchwood's Customer Service Message, dated September 12, 2002.
5. Correspondence from Attorney Fischer to Birchwood, purportedly pursuant to M.G.L. Chapter 93A, making formal demand for \$30,000, dated December 30, 2002.
6. Birchwood's Customer Service Message, dated January 7, 2003.
7. Printout of notes regarding NCO Financial, dated January 7, 2003.
8. Birchwood's Customer Service Message, dated January 8, 2003.
9. Audit Log from Birchwood, dated February 4, 2004.
10. Undated notes regarding this matter recorded during the period from August 21, 2002 to January 9, 2003.

**C. Damages**

At present, Birchwood has not made a claim for damages, but reserves the right to do so.

**D. Insurance**

Birchwood is self-insured for the amounts relevant to this matter.

BIRCHWOOD CREDIT SERVICES, INC.,  
By Defendant's Attorneys  
BERNSTEIN & BELL



Ronald I. Bell, BBO #036400  
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Chelmsford, MA 01824  
(978) 458-6339

Dated: July 2, 2004

**CERTIFICATE OF SERVICE**

I, Ronald I. Bell, attorney for the Defendant, BIRCHWOOD CREDIT SERVICES, INC., hereby certify that on July 2, 2004, I served the within, BIRCHWOOD CREDIT SERVICES, INC.'S RULE 26 INITIAL DISCLOSURES, upon the Plaintiff and other Defendants, by mailing a true and exact copy thereof, postage prepaid to all counsel of record:

Attorney for Plaintiff,  
Andrew M. Fischer, Esq.  
JASON & FISCHER  
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Attorneys for NCO Financial Systems, Inc.  
and Lovelace Health Systems,  
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Attorney for Experian National Assistance  
Center,  
George W. Price, Esq.  
MINTZ, LEVIN, COHN, GLOVSKY  
and POPEO, P.C.  
One Financial Center  
Boston, MA 02111

SIGNED, under the penalties of perjury this 2<sup>nd</sup> day of July 2004.

  
Ronald I. Bell